

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

RAYNALDO RIVERA ORTIZ JR.

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NO. 3:22-CR-378-N

DEFENDANT'S NOTICE OF EXPERT TESTIMONY

TO THE HONORABLE CHIEF JUDGE DAVID C. GODBEY:

COMES NOW, RAYNALDO RIVERA ORTIZ JR., by and through his counsel of record, Marti Morgan, Assistant Federal Public Defender, pursuant to Federal Rule of Criminal Procedure 16(b)(1)(C), and hereby provides the following notice of expert testimony:

BobbieJean Sweitzer, M.D. FACP, SAMBA-F, FASA
3300 Gallows Road
Falls Church, Virginia 22042

Dr. Sweitzer is a practicing anesthesiologist and the Systems Director of Perioperative Medicine at Inova Health in Falls Church, Virginia; she is also a Professor of Medical Education at the University of Virginia in Charlottesville, Virginia. In these roles, Dr. Sweitzer provides anesthesia services to patients having a variety of procedures from ambulatory to major in-patient surgical procedures, while also supervising CRNAs (certified registered nurse anesthetists), residents and medical students. As part of her role as the Systems Director of Perioperative Medicine at Inova Health, Dr. Sweitzer runs five pre-operative clinics focused on the evaluation and management of elevated-risk patients anticipating anesthesia and surgery. She is currently licensed to practice medicine in Virginia, and she is certified by the American Board of Internal Medicine and the American Board of Anesthesiology. Dr. Sweitzer received her bachelor's degree from Southern Illinois University, and earned her M.D. from the Loyola University Stritch School of Medicine. After medical school Dr. Sweitzer completed her medical internship at Baylor College of Medicine in Houston, Texas; residencies in internal medicine at University of California at San Francisco in San Francisco,

California, and Baylor College of Medicine in Houston, Texas; and a residency in anesthesia and critical care at Massachusetts General Hospital in Boston, Massachusetts. Throughout her career, she has been a practicing anesthesiologist while also teaching at institutions including Harvard Medical School, the University of Chicago, and Northwestern University. *See* Exhibit A, Sweitzer, BobbieJean. Curriculum vitae. [2023].

Because of Dr. Sweitzer's vast experience, skill, and education as a pre-operative physician specialist and anesthesiologist she is qualified to read and interpret medical records; evaluate and explain the procedures described therein; describe the medications used therein, their appropriate manner of administration, and the expected results of their use; the expected and unexpected physiological responses to such medications; the expected and appropriate manner of documentation of events during surgical procedures; and to evaluate the physiological and pathological responses of a patient to anesthetic and vasoactive medications and the interaction between stable medical conditions and anesthesia and surgery. Dr. Sweitzer's opinions are based upon her experience, education, and familiarity with well-established principles of the American Board of Anesthesiology and the American Board of Internal Medicine. The cases about which Dr. Sweitzer may be asked to testify at trial will be highly dependent on the testimony provided by the government's witnesses.

Dr. Sweitzer has published (65) sixty-five peer-reviewed publications in the primary literature, exclusive of abstracts; forty-one (41) works in 'non-traditional' outlets; seven (7) works accepted or in process; three (3) books; thirty (30) book chapters; ten (10) other publicly available works; and fifty-five (55) abstracts.

In the past four (4) years, Dr. Sweitzer has testified as an expert in one medical malpractice case (Hauser v. Northwest Anesthesia Physicians, P.C. and John Gregg Melton, M.D., Lane County, OR, 18CV36267). Her curriculum vitae has been attached to this filing as Exhibit A. The defense expects to demonstrate, by virtue of her education, training, and practice, that Dr. Sweitzer has

specialized knowledge, skills, experience, training, and education in the fields of anesthesiology and internal medicine. Fed. R. Evid. 702(a). Further, the defense expects to show that her specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to anesthesiology and to the physiological and pathological responses of a patient to anesthetic and vasoactive medications and the interaction between stable medical conditions and anesthesia and surgery.

Respectfully submitted,

JASON D. HAWKINS
FEDERAL PUBLIC DEFENDER

/s/ Marti Morgan
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/s/ BobbieJean Sweitzer
BobbieJean Sweitzer, Anesthesiologist

CERTIFICATE OF SERVICE

I, Marti Morgan, hereby certify that on February 26, 2024, I electronically filed the foregoing document using the ECF system of the United States District Court, Northern District of Texas. Pursuant to L. CRIM. R. 49.2(f), delivery of the automatically generated ECF notice constitutes service under FED. R. CRIM. P. 49(b) on the attorney(s) of record.

/s/ Marti Morgan
MARTI MORGAN